

REMARKS

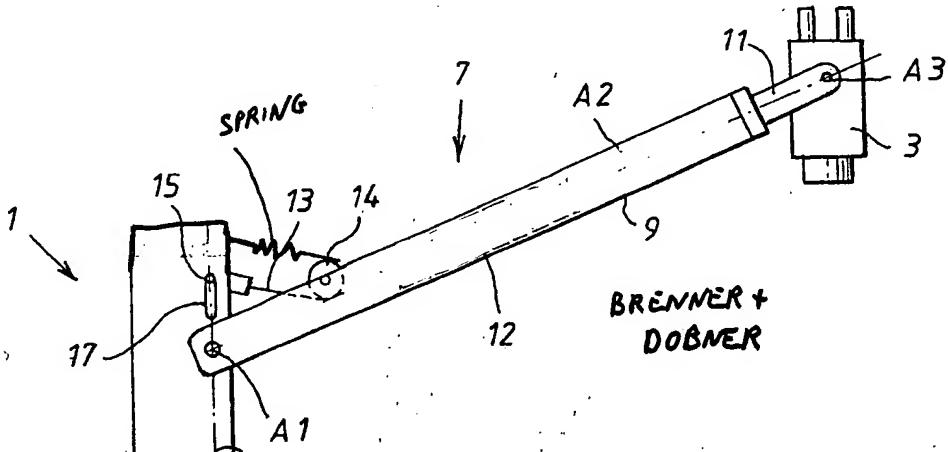
Specification

The title of the invention has been amended to be clearly indicative of the claimed invention. Withdrawal of the objection to the specification is respectfully requested.

Claim Rejections - 35 USC 103

Claims 1, 2, 5, 8, and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 6070839 (Brenner et al.) in view of US 4685648 (Dobner et al.). As discussed below, parent claim 1 has been amended to be patentable over the cited combination.

Claim 1 has been amended by adding a limitation previously found in claim 2, namely "wherein said at least one deflecting roller redirects said cable pull to extend at least closely along a vertical axis of said upright column." It is applicant's respectful position that this structural limitation is not suggested by modifying Brenner et al. by substituting the cable system of Dobner et al. Rather, the proposed substitution would suggest an arrangement generally as follows:



The suggested arrangement would not redirect the cable pull to extend closely along a vertical axis of the upright column. It is noted that while the cable system of Dobner et al. is related generally to microscopes, it is concerned with counterbalancing the load of a linearly movable specimen stage of a microscope, and not with counterbalancing the load of a microscope on a pivoting support arm of a support stand.

Specifically regarding claims 5, 8, and 9, the combination of Brenner et al. and Dobner et al. does not appear to teach or suggest "a counterbalancing transmission having a movable transfer element coupled to a transmission element for connecting said cable pull to said support arm, wherein said cable pull is fixed to said transfer element" as claimed. In the embodiment of Fig. 7 of the present application, there is a transfer element 207 to which cable

pull 24b is fixed. Transfer element 207 is movably coupled to a transmission element in the form of roller 30 for connecting the cable pull to the support arm 2.

In the Office Action, spindle 49 is found to be a movable transfer element, and joint piece 19 is found to be a transmission element, in accordance with claim 5. However, claim 5 requires that the transfer element be coupled to the transmission element "for connecting said cable pull to said support arm". Spindle 49 and joint piece 19 connect the cable pull to stand base part 5, and not to support arm 9. In addition, claim 5 includes the limitation that the cable pull is fixed to the transfer element; however, in Brenner et al., the cable pull is fixed to the transmission element (joint piece 19) and not to the transfer element (spindle 49) as claimed. For connecting the cable pull to the support arm, Brenner et al. teaches a transmission element (roller 14), but no movable transfer element coupled to the transmission element, wherein the cable pull is fixed to such transfer element. In Dobner et al., the cable pull is connected to the microscope stage 14 by a simple bearing 25 so this does not supply the missing structure. Accordingly, the subject matter of claim 5, which is inherited by dependent claims 8 and 9, is neither taught nor suggested by the references.

For the foregoing reasons, withdrawal of the rejection of claims 1, 2, 5, 8, and 9 is kindly sought.

Claims 1 and 10-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brenner et al. in view of US 4544121 (Komura). For reasons discussed below, it is respectfully contended that the combination of Brenner et al. and Komura does not render the present invention obvious at the time it was made.

Komura describes safety mechanism for a vertically movable lifter of an overhead microscope stand. The lifter 5 is balanced in a conventional manner by a counterweight 6 suspended from one end of a cable 7 that runs over a pulley 2 and has its opposite end connected to the lifter 5. If cable 7 fails, then brakes act to stop the lifter. There is no suggestion of how the counterbalance system of Komura would be adapted to a pivoting support arm 9 as taught by Brenner et al. so as to maintain tension in cable 13 of Brenner et al. as it engages the underside of roller 14 on the pivoting support arm 9.

Accordingly, favorable reconsideration of claims 1 and 10-12, and removal of the rejection, is respectfully requested.

Under the second obviousness rejection of claim 1, the Office Action appears to contain a statement regarding Brenner et al. that is inconsistent with a previous statement regarding Brenner et al. made under the first obviousness rejection of claim 1. Specifically, under the second obviousness rejection, it is asserted that "Brenner discloses all of the limitations of the claimed invention except for the device for applying a constant balancing force being a balancing weight" (Office Action - bottom of page 3 to top of page 4). Under the first obviousness rejection, it is asserted that "Brenner discloses all of the limitations of the claimed invention except for the cable pull" (Office Action - middle of page 2). It is Applicant's position that Brenner discloses all of the limitations of amended claim 1 except "at least one deflecting

roller mounted on said stand for redirecting said cable pull in a direction parallel to said upright column for connection to said device, wherein said at least one deflecting roller redirects said cable pull to extend at least closely along a vertical axis of said upright column.” As discussed above, this arrangement is not suggested by the combination of Brenner et al. with either Dobner et al. or Komura.

In view of the forgoing, favorable reconsideration of the application is now sought.

Allowable Subject Matter

The indication of allowable subject matter in claims 3 and 24 is gratefully acknowledged. Applicant will defer rewriting the claims in independent form to permit consideration of the amendments and remarks in this paper.

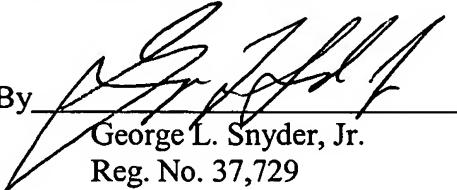
Conclusion

The present response strives to address all issues and to place the present application in a condition for allowance, and a Notice of Allowance is kindly sought. If the Examiner has any questions, the undersigned attorney may be contacted at the number provided below.

Respectfully submitted,

HODGSON RUSS LLP

By _____


George L. Snyder, Jr.
Reg. No. 37,729

One M&T Plaza, Suite 2000
Buffalo, New York 14203-2391
(716) 856-4000
DATED: April 21, 2004